

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

STIPULATION OF
EXPECTED TESTIMONY

Ms. Jacqueline Scott

10 June 2013

It is hereby agreed by the Accused, Defense Counsel, and Trial Counsel, that if Ms. Jacqueline Scott were present to testify during the merits and pre-sentencing phases of this court-martial, she would testify substantially as follows:

1. I am employed at United States Central Command (USCENTCOM), MacDill Air Force Base, Florida. I am a Freedom of Information Action (FOIA) Officer and the Chief of the FOIA and Privacy Section. This entails reviewing FOIA requests and releasing information as appropriate under the FOIA. FOIA requests originate from various sources. The public submits request for information under the FOIA. Additionally, federal agencies receive requests for information under the FOIA, and those agencies may have responsive documents that contain USCENTCOM equities. Those agencies then contact USCENTCOM to review the responsive documents requested for USCENTCOM equities. I have worked at USCENTCOM since 1995. I have been doing FOIA work since 1999. I have worked exclusively on FOIA issues since 2005. I was previously the Branch Chief of Management, Records, and Forms, Personnel Management, FOIA, and Privacy.

2. Currently, the FOIA Office handles approximately 350 requests a year. Before 2002, the number of requests a year was approximately 40. The FOIA office does not make withholding decisions; the FOIA office only makes recommendations. As a part of the FOIA office, I am the first person to see the mail and requests. When a request is received, I determine if USCENTCOM has the information by conducting a records search. I also may have to check with the legal office to see if there is an investigation pending. Sometimes information may point the FOIA process to equities involving intelligence, special operations, and planning, among others. USCENTCOM owns the information I review for release under the FOIA.

3. After a FOIA request is received, a member of the FOIA office conducts a first scrub. During this scrub, any information that should not be released because it meets an exemption under the FOIA is placed in a red bracket or red box. Next, a member of the FOIA team verifies the exemption with the equity owner. The review is conducted by a subject matter expert (SME). The SME looks through any requested document for specific types of equities. For instance, one SME looks for J5 equities and another for J3 equities. A SME works exclusively on his/her branch of equities for FOIA requests. If a SME believes that information should be declassified, that information is taken to an original classification authority (OCA) with the authority to declassify. If the SME verifies a classified equity with the owner of the equity, the information is marked as not being appropriate for release.

4. Redactions are mainly used for classified information, names of DoD personnel, and anything that falls under the (b)(3) exemption of FOIA. The (b)(3) section protects personnel assigned to a sensitive overseas routinely deployed unit. Information pertaining to weapons systems is also not released. Section (b)(5) also exempts information and applies to a portion of USCENTCOM FOIA investigations. Section (b)(5) has three part: (1) pre-decisional information; (2) attorney-client documents or privileges; and (3) attorney work product. Law enforcement exemptions under section (b)(7), such as Inspector

PROSECUTION EXHIBIT 114 for identification
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General investigations, also warrant exemption from disclosure under the FOIA. The FOIA office incorporates the factors listed in Executive Order (EO) 13526 into decisions regarding redactions of classified information.

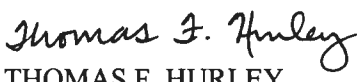
5. There is a 20 day mandate in the timeline for responding to FOIA requests. On occasion, a 10 day extension may be granted where coordination of various equities requires additional time. After initial review the legal office reviews the information for legal sufficiency. The legal review is a legal opinion about the FOIA determinations. This is a "GO/NO-GO process." If it is a "GO," then it is sent back to the FOIA office to be packaged and sent to the Chief of Staff for approval and signature for releasable information. If it is a "NO-GO," then the legal officer states the deficiencies, if any. The FOIA office responds by correcting the deficiencies and the information is resubmitted for legal review.


6. I am familiar with the video file named "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (Apache video), which is **Prosecution Exhibit 15 for Identification** in this case because it was the subject a FOIA request. I was asked to review the records related to the FOIA request for the Apache video. I searched for the records. I reviewed those records. I did not find the Apache video. The records indicated that the Apache video was not released subject to any FOIA request. The AR 15-6 Investigation related to the Apache video was released under the FOIA, and the investigation contained redactions in accordance with applicable FOIA exemptions.

7. The USCENTCOM FOIA office received a request for information related to the Farah investigation. The investigation pertained to a large scale civilian casualties (CIVCAS) incident in the Farah Province, Afghanistan. In response to the FOIA request for information related to the Farah Investigation, an unclassified executive summary was released on or about 18 June 2009. The classified investigate officer report (BATES numbers: 00378029-00378065) was not released to the public. No other document or video related to the Farah investigation was released to the public in response to a FOIA request or otherwise.

8. On 30 July 2007, CENTCOM released SIGACT information as a FOIA release for Significant Activity Reporty (SIGACT) data from 2004, 2005, 2006, and 2007. I was the individual that posted this information to the FOIA reading room. The SIGACT information released gave the date and time of the significant activity, the attack type, the target and the location city of the significant activity. The FOIA release did not include all of the information from the SIGACTs. Only that information that was declassified by an OCA was released by my office.


ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel


THOMAS F. HURLEY
MAJ, JA
Military Defense Counsel


BRADLEY E. MANNING
PFC, USA
Accused